

## REVENUE REPORT REFERENCES

**SPECIAL NOTE: THE PROBATION USER FEES, ADULT AND JUVENILE, MUST BE SHOWN ON THE REVENUE REPORT REGARDLESS OF WHO COLLECTS THEM.**

1. **COURT COSTS:** *IC 33-37-4-1(a), 2(a), 3(a), 4(a), 5(a), and 6*; Deferred Prosecution Fee collected per *IC 33-37-5-17* (This is different from the Prosecutor's Deferral Program Fee collected under *IC 33-37-4-2(e)*). To be deposited as follows: State General Fund (70%), County General fund (27%), and qualified municipality (3%).
2. **FINES / FORFEITURES:** Fines are collected only in criminal cases. *Black's Law Dictionary* (6<sup>th</sup> Ed.), p. 632.
3. **INFRACTION JUDGMENTS:** Cases involving infraction violations (most traffic matters) result in "infraction judgments." It is important that these be distinguished from fines because, pursuant to the Indiana Constitution, fines are deposited in the State Common School Fund while judgments in infraction cases are deposited in the State Highway Fund. Ind. Const. Art. 8, § 2; *IC 9-20-18-12*.
4. **CIVIL PENALTIES FOR ORDINANCE VIOLATIONS:** Penalties for ordinance violations. *IC 33-36-1-1 and 33-36-3-7*.
5. **VEHICLE LICENSE FEE:** Money collected as infraction judgments in overweight vehicle cases. These fees go to the State Highway Fund rather than the State General Fund. *IC 9-20-18-12*.
6. **SUPPORT FEE:** *IC 33-37-5-6*.
7. **BOND ADMINISTRATION FEE:** *IC 35-33-8-3.2(a)(2)*.
8. **LATE SURRENDER FEE:** *IC 27-10-2-12(c)*.
9. **USER FEES:**
  - A. Include in **STATE LEVEL USER FEES:** *IC 33-37-9-2*.
    1. 25% of the Drug Abuse, Prosecution, Interdiction and Correction Fee. *IC 33-19-6-9; 33-37-7-1(b)(1)*.
    2. 25% of the Alcohol and Drug Countermeasures Fees. *IC 33-19-6-10; 33-37-7-1(b)(2)*.
    3. 50% of Child Abuse Prevention Fee--collected under *IC 33-37-4-1(b)(7)* and deposited per *IC 33-37-7-1(b)(3)*.
    4. 100% of Domestic Violence Prevention and Treatment Fee--collected under *IC 33-37-4-1(b)(8)* and deposited under *IC 33-37-7-1(b)(4)*.
    5. 100% of Highway Work Zone Fee--collected under *IC 33-37-4-1(b)(9)* and *IC 33-37-4-2(b)(5)* and deposited under *IC 33-37-7-1(b)(5)*.
    6. 100% of Safe School Fee--collected under *IC 33-19-6-16.3* and deposited under *IC 33-37-7-1(b)(6)*.
    7. 100% of Sexual Assault Victim's Assistance Fee—*IC 16-19-13-6, IC 33-19-6-21*; deposited per *IC 33-37-7-1(b)*.
  - B. Include in **COUNTY LEVEL USER FEES:** *IC 33-37-8-5*.
    1. Marijuana Eradication Program Fee *IC 33-19-6-6; IC 15-3-4.6-4.1*.

2. Alcohol and Drug Services Program Fee *IC 33-19-6-7*.
3. Law Enforcement Continuing Education Program Fee *IC 33-37-5-8*.
4. Informal Adjustment Fee *IC 31-34-8-9* and *IC 31-34-8-8*.
5. Late Payment Fee *IC 33-37-5-22*, *IC 33-37-4-1(e)(2)*, and *IC 33-37-7-1(e)*.

C. Include in the **LOCAL USER FEES**: *IC 33-37-8-3*.

1. Alcohol and Drug Services Fee charged in cases in the City and Town Courts. *IC 33-19-6-7*; *IC 12-23-14-16*.
2. Law Enforcement Continuing Education Program Fees charged in the City and Town Courts. *IC 33-19-6-7(c)*.

Two fees, the **Pretrial Diversion Program Fee** (*IC 33-37-8-7*) and the **Deferral Program Fee** (*IC 33-37-4-2*) are technically User Fee Funds, but, for the purpose of this report, should be reflected separately in lines 10 and 11.

10. **PROSECUTORIAL PRETRIAL DIVERSION FEE**: In criminal cases, *IC 33-37-8-7*.
11. **PROSECUTORIAL DEFERRAL PROGRAM FEE**: Set up by the Prosecutor or attorney for the municipal corporation in infraction or ordinance violation cases. *IC 33-37-4-2(e)*; (This is different from the *Deferred Prosecution Fee* charged under *IC 33-37-5-17*, *IC 9-30-9-3* and *IC 12-23-5*).
12. **COUNTY DRUG FREE COMMUNITY FUND FEE**: *IC 33-37-8-5(b)(4)*.
  - A. 75% of the Drug Abuse, Prosecution, Interdiction and Correction Fee collected under *IC 33-37-4-1* (going to the Drug Free Community Fund). *IC 33-37-7-1(c)(1)*.
  - B. 75% of the Alcohol and Drug Countermeasures Fees collected under *IC 33-37-4-1(b)(6)* (going to the Drug Free Community Fund). *IC 33-19-6-10* and *IC 33-37-7-1(c)(2)*.
13. **ADULT PROBATION USER'S FEES**: *IC 35-38-2-1(c)*. Include any **Alcohol Abuse Deterrent Program and Medical Fees** collected per *IC 9-30-9 et seq.* for the Supplemental Adult Probation Services Fund *IC 9-30-9-8* and any administration fees (\$100 per felony, \$50 per misdemeanor) collected per *IC 35-38-2-1*.
14. **JUVENILE PROBATION USER'S FEES**: Include all \$100 administrative fees collected per *IC 31-40-2-1*.
17. **GUARDIAN AD LITEM OR SPECIAL ADVOCATE FEE**: *IC 31-40-3-1*, 2, 3.
18. **SUPPLEMENTAL PUBLIC DEFENDER FEE**: *IC 35-33-7-6*.
19. **DOCUMENT FEES**: For deposit in the clerk's record perpetuation fund. *IC 33-37-5-1*, 2, 3, 4.
20. **DOCUMENT STORAGE FEE**: \$2 collected pursuant to *IC 33-37-5-20*, deposited per *IC 33-37-5-2*.
21. **AUTOMATED RECORD KEEPING FEE**: \$7 collected per *IC 33-37-5-21*, deposited per *IC 33-37-7-1(b)(7)*.
22. **JURY FEE**: \$2.00 collected pursuant to *IC 33-37-5-19*.
23. **INTEREST ON INVESTMENTS**: any investment income the court collects on funds in its accounts per *IC 5-13-9-6*
24. **JUDICIAL ADMINISTRATION FEE**: \$1 collected in cases where the individual is convicted of an offense,

required to pay a pretrial diversion fee, or found to have violated an infraction or ordinance violation. As of June 30, 2005, this fee will increase to \$2. IC 33-37-5-21.2.

25. **JUDICIAL INSURANCE ADJUSTMENT FEE:** \$1 fee collected in all actions where a person is convicted of an offense, required to pay a pretrial diversion fee, or found to have violated an infraction or ordinance violation. For deposit in the State Judicial Branch Insurance Adjustment Account. IC 33-37-5-25.
26. **COURT ADMINISTRATION:** \$2 fee to be collected in each action filed in a court described in IC 33-37-1-1 and in each small claims action in a court described in IC 33-34 (unless it is a criminal proceeding, a proceeding for an infraction violation, or a proceeding for an ordinance violation). This includes each action in which a person is: convicted of an offense; required to pay a pretrial diversion fee; found to have committed an infraction, or found to have violated an ordinance. Fee is to be deposited in the State General Fund. IC 33-37-5-27.
27. **DNA SAMPLE PROCESSING:** \$1 fee to be collected in each action in which a person is convicted of an offense, required to pay a pretrial diversion fee, found to have committed an infraction, or found to have violated and ordinance. To be deposited in the State General Fund. IC 33-37-5-26.2.
28. **JUDICIAL SALARIES:** fee to be collected in each action filed in a court described in IC 33-37-1-1 (unless it is a criminal proceeding, a proceeding for an infraction violation, a proceeding for an ordinance violation, or a small claims action). Fee has annual increment structure in 33-37-5-26(d). Fee is to be deposited in the State General Fund. \$15 after June 30<sup>th</sup>, 2005 and before July 1<sup>st</sup> 2006; \$16 after June 30<sup>th</sup>, 2006 and before July 1<sup>st</sup> 2007; etc.... Fee is to be deposited in the State General Fund. IC 33-37-5-26.
29. **PUBLIC DEFENSE ADMINISTRATION:** \$3 fee to be collected in each action filed in a court described in IC 33-37-1-1 (unless it is a criminal proceeding, a proceeding for an infraction violation, or a proceeding for an ordinance violation). This includes each action in which a person is: convicted of an offense; required to pay a pretrial diversion fee; found to have violated an infraction, or found to have violated an ordinance. Fee is to be deposited in the State General Fund. IC 33-37-5-21.2.
30. **CIVIL ACTION SERVICE FEE:** \$10 fee to be collected for each additional defendant named in the civil action (other than first-named) and each additional defendant added in the civil action. For deposit in County General Fund (100%) – **or** – city & town courts: City or Town General Fund (100%). IC 33-37-5-28.
31. **SMALL CLAIMS SERVICE FEE:** for each small claims action, a \$10 small claims service fee will be collected from the person filing the case for each named defendant, and collected from any party adding a defendant to the case. Not applicable if the small claims action is filed by or on behalf of the attorney general. For deposit in County General Fund – **or** – city & town courts: City or Town General Fund (100%). IC 33-37-4-6.
32. **ALTERNATIVE DISPUTE RESOLUTION:** **Applies only to counties with an established ADR plan.** \$20 fee to be collected from the party filing a petition for legal separation, paternity, or dissolution of marriage under IC 31. IC 33-23-6-1.
33. The **OTHER** category should include fees generated by court operations that have not been reflected in one of the above categories including grants. **TRUST FUNDS AND MARRIAGE LICENSE FEES** should NOT be listed on the Revenue Report.